***

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

R.S.A. No. 1794 of 2004

Date of decision: 11.10.2007

Charan Dass ...Appellant

Versus

Sarbjit and others ...Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr. H.S.Gill, Senior Advocate with
Mr. Vivek Goyal, Advocate for the appellant.

****

RAJESH BINDAL, J.

The present appeal arises out of the judgment and decree passed by the Learned Lower Appellate Court whereby that of the trial Court was modified to the extent that compensation payable to the respondents was reduced from Rs. 3,85,000/- to Rs. 1,85,000/- alongwith interest at the rate of 6% per annum as against 12% per annum granted by the trial Court.

The claim was made by the respondents on account of murder of the husband of respondent no.1, son of respondent no.2 and father of respondents No.3 to 5. It was found even in the prosecution of the appellant that he had committed the murder of Thakur Dass and as a result thereof respondents were found entitled to compensation.

Before this Court learned Senior Counsel appearing for the appellant fairly admitted that even appeal filed by the appellant, namely Criminal Appeal No.460-DB of 1996 has already been dismissed on 6.7.2005 by this Court upholding the findings of learned Sessions Judge, Jalandhar holding the appellant guilty of murder of Thakur Dass. Once it has been proved that Thakur Dass was murdered by the appellant, he is liable to pay compensation. Even the assessment of compensation payable

***

to the respondents is also quite moderate keeping in view the large family, he was maintaining, which included widow mother, widow of the deceased and three minor children.

Accordingly, I do not find any merit in the present appeal as the same does not involve any substantial question of law.

Dismissed.

October 11, 2007 **(Rajesh Bindal)**
Pka **Judge**